

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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TINA W.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

No. 5:21-CV-523  
(CFH)

Defendant.

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**APPEARANCES:**

Law Offices of Kenneth Hiller, PLLC  
6000 North Bailey Avenue – Suite 1A  
Amherst, New York 14226  
Attorneys for plaintiff

Social Security Administration  
J.F.K. Federal Building,  
15 New Sudbury Street, Rm. 625  
Boston, Massachusetts 02203  
Attorney for defendant

**OF COUNSEL:**

JUSTIN M. GOLDSTEIN, ESQ.  
KENNETH R. HILLER, ESQ.

CHRISTOPHER LEWIS POTTER, ESQ.

**CHRISTIAN F. HUMMEL  
U.S. MAGISTRATE JUDGE**

**ORDER**

Presently before the Court in this action, in which plaintiff seeks judicial review of an adverse administrative determination by the Commissioner of Social Security, pursuant to 42 U.S.C. § 405(g), are cross-motions for judgment on the pleadings.<sup>1</sup> Oral

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<sup>1</sup> This matter, which is before me on consent of the parties, pursuant to 28 U.S.C. § 636(c), has been treated in accordance with the procedures set forth in General Order No. 18. See Dkt. No. 5. Under that General Order, once issue has been joined, an action such as this is considered procedurally as if cross-motions for judgment on the pleadings had been filed pursuant to Rule 12(c) of the Federal Rules of Civil Procedure.

argument was conducted on these motions in a telephone conference held on June 7, 2022. The transcript of that proceeding is attached to this Order and incorporated herein by reference.

At the close of argument, I issued a bench decision in which, after applying the deferential standard of review, I found that the Commissioner's determination resulted from the application of proper legal standards and was supported by substantial evidence. In my bench decision, I provided further detail regarding my reasoning and addressed each of the issues raised by plaintiff on appeal.

After due deliberation, and based on the Court's oral bench decision, it is hereby

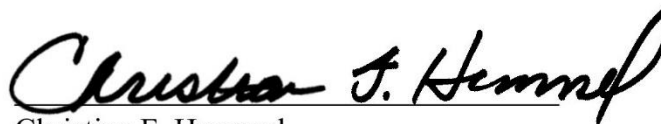
**ORDERED** that:

1. Defendant's motion for judgment on the pleadings (Dkt. No. 14) is **GRANTED**;
2. Plaintiff's motion for judgment on the pleadings (Dkt. No. 11) is **DENIED**; and
3. The Commissioner's determination that plaintiff was not disabled at the relevant times, and thus, is not entitled to benefits under the Social Security Act, is

**AFFIRMED.**

**IT IS SO ORDERED.**

Dated: June 9, 2022  
Albany, New York



Christian F. Hummel  
U.S. Magistrate Judge